

REMARKS

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Besanger. The features of claim 3 have been incorporated in claim 1 rendering this rejection moot.

Claims 3, 8 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable over Besanger in view of DiGiacomo. Claims 8 and 10 depend from claim 5 which was indicated allowable and are also presumed allowable.

Claim 1 has been amended to include the features of original claim 3 and is patentable over Besanger in view of DiGiacomo. In applying Besanger, the Examiner considered collecting plates 21 to correspond to the claimed coolant distribution structure. Claim 1 recites that the coolant distribution structure is constructed of a porous material. DiGiacomo does teach a porous wick 50 and the Examiner reasons that modifying Besanger to include a porous coolant distribution structure would improve the heat transfer process. Applicants respectfully disagree that such a modification would have been obvious to one of ordinary skill in the art.

Based on the Examiner's interpretation of Besanger, the combination of DiGiacomo and Besanger would yield collecting plates 21 in Besanger being porous. There is no suggestion that such a modification would be desirable. In fact, the collecting plates 21 in Besanger provide water circulation ducts to route coolant to and from heat sink 23. Making the collecting plates 21 porous would decrease, if not eliminate, the ability of the collecting plate 21 to provide a satisfactory conduit for coolant.

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01. In the present case, the proposed modification to Besanger would actually deteriorate the ability of the collecting plates to distribute coolant. Thus, the proposed modification would not have been obvious to one of ordinary skill in the art.

For the above reasons, claim 1 is patentable over Besanger in view of DiGiacomo.

Claims 4 and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Besanger in view of Mankaruse. Claim 11 depends from claim 5 which was indicated allowable and is also presumed allowable. Claim 4 depends from claim 1. Mankaruse was cited for teaching a copper heat sink but fails to cure the deficiencies of Besanger and DiGiacomo discussed above with respect to claim 1. Thus, claim 4 is patentable.

Claim 9 was rejected under 35 U.S.C. § 103 as being unpatentable over Besanger in view of Salt. Claim 9 depends from claim 5 which was indicated allowable and is also presumed allowable.

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to this effect is respectfully requested.

If there are charges with respect to this matter or otherwise, please charge them to Deposit Account No. 09-0463 maintained by Applicants' Assignee.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413

Date: May 24, 2004